

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Upon reviewing the file for this matter, Applicant noticed that only the basic filing fee was paid for the referenced application. However, because the application was filed with 36 claims, 5 of which are independent, an additional payment of \$442.00 is now required (*i.e.*, 15 additional claims (16 claims minus 1 canceled claim) at \$18 each and 2 independent claims at \$86). Accordingly, Applicant submits a check for this amount to cover the cost of the additional pending claims. If this amount is not correct, please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 03226.452002).

Benefit under U.S.C. § 120

Applicant respectfully notes that the referenced application is a continuation application that claims benefit of U.S. Patent No 6, 694,259 entitled "System and Method for Delivering Parking Information to Motorists," filed on October 17, 2001 (hereinafter "the '259 patent").

Disposition of Claims

Claims 1-36 are pending in this application. Claims 1, 10, 18, 23, and 32 are independent. The remaining claims depend, directly or indirectly, from claims 1, 10, 18,

23, and 32.

Double Patenting Rejection

Claims 1-31 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of the '259 patent. In response, Applicant has enclosed a Terminal Disclaimer conditionally disclaiming any patent term extending beyond the expiration date of the '259 patent in compliance with 37 CFR § 1.130(b) and § 1.321(c). Accordingly, Applicant respectfully requests the withdrawal of the obviousness-type double patenting rejection.

Rejection(s) under 35 U.S.C § 102


Claims 32-36 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Publication No. 2002/0099574 ("Cahill"). As noted above, the referenced application is a continuation application that claims benefit of U.S. Patent No. 6,694,259 filed on October, 17, 2001. Therefore, Cahill is improper prior art under U.S.C. § 102(e). Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 03226.452002).

Respectfully submitted,

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